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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/426,644	10/25/1999	JAE-HO MOON	1349.1022/MD	2168

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
TUGBANG, ANTHONY D	
ART UNIT	PAPER NUMBER
3729	

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	09/426,644	MOON ET AL.
	Examiner	Art Unit
	A. Dexter Tugbang	3729

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Attachment*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *13-16,19,21,23,24,30 and 42*.

   Claim(s) objected to: *None*.

   Claim(s) rejected: *1,2,17,38 and 40*.

   Claim(s) withdrawn from consideration: *None*.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

A. Dexter Tugbang
Primary Examiner
Art Unit: 3729

Attachment to Advisory Action

In regards to the merits of the AAPA, the applicant(s) argue that the AAPA does not teach "adhering...apparatuses" (lines 4-8 of Claim 1 with similar limitations in Claim 17) because there is no suggestion of an element that is mated to the nozzle material which includes plural heating elements or jetting fluid chambers, or that another element is disposed between the fluid jetting chambers of multiple actuator chips and nozzles in the nozzle material in Figure 2.

The examiner simply does not understand this line of reasoning. From the examiner understanding of the background of the specification, the single fluid jetting apparatus of Figure 1 is formed in multiplicity by the conventional roll method of Figure 2. In other words, the examiner has read the AAPA to form a plurality of "separate fluid jetting apparatuses" (line 8 of Claim 1) by using the conventional roll method of Figure 2, which would be inclusive of all of the elements shown in Figure 1. Therefore, the limitations of "adhering...apparatuses" (lines 4-8 of Claim 1 with similar limitations in Claim 17) are fully satisfied by the AAPA.

The applicant(s) further argue that the AAPA does not teach "removing...part" (line 5 of Claim 17). The examiner maintains that this is inherently taught by the AAPA because the final structure of Figure 1 does not include the silicon wafer from its original state. The evidence is clearly taught by the AAPA and is much more than any probability because the specification (lines 24-25, page 2) first describes the use of a "silicon wafer" and then, subsequently, the final structure of the fluid jetting apparatus (shown in Figure 1) does not include any silicon wafer. So the examiner maintains that the AAPA fully satisfies "removing...part" (line 5 of Claim 17).

However as a backup, JP'029 teaches the use of a silicon wafer 100 in which nozzle parts are removed regardless of whether or not the wafer 100 has any flexibility. The test for

obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Accordingly, the examiner maintains the rejections with respect to the AAPA and JP'029.